

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 15

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EXXONMOBIL CHEMICAL AMERICAS, \*  
BATON ROUGE POLYOLEFINS PLANT \*

and

Cases 15-RD-277466  
15-CA-280197  
15-CA-281931  
15-CA-286107  
15-CA-290219  
15-CA-291340

INTERNATIONAL UNION OF \*  
OPERATING ENGINEERS LOCAL 407 \*

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**ORDER FURTHER CONSOLIDATING CASES, SECOND CONSOLIDATED**  
**COMPLAINT AND NOTICE OF HEARING**

A Correction to Order Approving Partial Withdrawal of Objections and Order Consolidating Remaining Objections and Unfair Labor Practice Charge in Case 15-RD-277466, in which Respondent and the Union are both parties, issued on May 27, 2022, directing a hearing on objections filed by the Employer.

On June 10, 2022, a Consolidated Complaint and Notice of hearing issued in Cases 15-RD-277466, 15-CA-280197, 15-CA-290219, and 15-CA-291340 alleging that ExxonMobil Chemical Americas, Baton Rouge Polyolefins Plant (Respondent) had engaged in unfair labor practices that violate the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq.

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, **IT IS ORDERED THAT** those cases are further consolidated with Cases 15-CA-281931 and 15-CA-286107, filed by International Union of Operating Engineers Local 407 (the Union), for the purposes of hearing, ruling, and

decision by an administrative law judge and thereafter Case 15-RD-277466 shall be transferred to and continue before the Board in Washington, DC, and that the provisions of §§102.46 and 102.69(e) of the Board's Rules shall govern the filing of exceptions.

This Order Further Consolidating Cases, Second Consolidated Complaint and Notice of Hearing is issued pursuant to Section 10(b) of the Act and Section 102.15 of the Board's Rules and Regulations and alleges Respondent has violated the Act as described below.

1. The charges in the above cases were filed by the Union, as set forth in the following table, and served upon Respondent on the dates indicated by U.S. mail and/or by electronic means.

<i><b>Case No.</b></i>	<i><b>Amendment</b></i>	<i><b>Date Filed</b></i>	<i><b>Date Served</b></i>
15-CA-280197		July 20, 2021	July 21, 2021
15-CA-280197	First Amended	December 8, 2021	December 10, 2021
15-CA-281931		August 24, 2021	August 26, 2021
15-CA-286107		November 9, 2021	November 12, 2021
15-CA-290219		February 7, 2022	February 8, 2022
	Amended	July 20, 2022	July 21, 2022
	Second Amended	July 22, 2022	July 22, 2022
15-CA-291340		February 25, 2022	February 28, 2022

2(a) At all material times, Respondent has been a corporation with an office and place of business in Baton Rouge, Louisiana, and has been engaged in the manufacture and the nonretail sale of chemical products.

(b) In conducting its operations annually, Respondent sold and shipped from its Baton Rouge, Louisiana facility goods valued in excess of \$50,000 directly to points outside the State of Louisiana.

3. At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

4. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

5. At all material times, the following individuals held the position set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)

6(a) Since about May 2021, a more exact date currently unknown to the General Counsel, Respondent has maintained a work rule prohibiting “unauthorized soliciting for any purpose on Company premises.”

(b) The work rule Respondent continues to maintain, as described above in paragraph 6(a), is overly broad.

7(a) Since about May 2021, on multiple occasions, more exact dates currently unknown to the General Counsel, Respondent provided more than ministerial assistance to the petitioner in the filing of the decertification petition in Case 15-RD-277466.

(b) Since about November 8, 2021, Respondent threatened its bargaining unit employees by telling them effective December 1, 2021, it would no longer recognize the Union as the exclusive representative of its bargaining unit employees.

8(a) About (b) (6), (b) (7)(C) 2022, Respondent issued a Written Reprimand to its employee (b) (6), (b) (7)(C).

(b) Respondent engaged in the conduct described above in paragraph 8(a) because (b) (6), (b) (7)(C) assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

9(a) The following employees of Respondent (the Unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Included: All hourly paid production, maintenance, and storeroom employees while employed at the Respondent's Baton Rouge HDPE Plant, North Scenic Highway, Baton Rouge, Louisiana.

Excluded: All office clerical, technical and laboratory personnel, guards, supervisors and professional employees as defined in the Act.

(b) At all material times, Respondent has recognized the Union as the exclusive collective-bargaining representative of the Unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective from June 1, 2021 to May 31, 2026.

(c) At all material times, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

(d) Between about May 25, 2021 and August 1, 2021, more specific dates currently unknown to the General Counsel, Respondent stopped deducting dues from approximately 69 employees.

(e) At all material times Respondent had in its possession valid dues checkoff agreements from the employees described in paragraph 9(d).

(f) About May 2021, more specific dates currently unknown to the General Counsel, the Union requested that Respondent bargain collectively about remitting dues pursuant to a valid dues checkoff agreement.

(g) Since about May 2021, more specific dates currently unknown to the General Counsel, Respondent has failed and refused to bargain collectively about the subject set forth above in paragraphs 9(d) through 9(f).

(h) About November 8, 2021, Respondent announced:

- i. The collective bargaining agreement would be terminated effective December 1, 2021.
- ii. Cessation of adhering to the collective bargaining agreement effective December 1, 2021.
- iii. Cessation of remitting dues to the Union effective December 1, 2021.
- iv. A promise to implement a six percent wage increase for bargaining unit employees.

(i) About December 1, 2021, Respondent:

- i. Terminated the collective bargaining agreement.
- ii. Ceased adhering to the collective bargaining agreement's grievance and arbitration procedures.
- iii. Ceased remitting dues to the Union.
- iv. Implemented a six percent wage increase for bargaining unit employees.

(j) The subjects set forth above in paragraphs 9(d), 9(h), and 9(i) relate to wages, hours, and other terms and conditions of employment of the Unit and are mandatory subjects for the purposes of collective bargaining.

(k) Respondent engaged in the conduct described above in paragraphs 9(d) through 9(i) without affording the Union an opportunity to bargain with Respondent with respect to this conduct.

(l) About December 1, 2021, Respondent withdrew its recognition of the Union as the exclusive collective-bargaining representative of the Unit.

10(a) By the conduct described above in paragraphs 6 and 7, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

(b) By the conduct described above in paragraph 8, Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

(c) By the conduct described above in paragraph 9, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Sections 8(a)(1) and (5) of the Act.

12. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

### **REMEDY**

A. As part of the remedy for the unfair labor practices alleged above the General Counsel seeks an Order Requiring that Respondent:

1. Rescind the unlawful overly broad rule(s) described above and notify employees of the rescission of the unauthorized solicitation rule.
2. At a meeting(s) scheduled to ensure the widest possible attendance, Respondent's Human Resources Manager read the remedial Notice to Employees on worktime in the presence of a Board agent and in the presence of Respondent's supervisors and agents.
3. Allow the Union to attend the remedial notice reading.
4. Remove from its files all references to the Written Reprimand I issued to (b) (6), (b) (7)(C) and notify (b) (6), (b) (7)(C) in writing that this has been done and that the discipline will not be used against (b) (6), (b) (7)(C) in any way.
5. If requested by the Union, cancel the unilateral changes in wages and other terms and conditions of employment of unit employees.
6. Comply with the dues-checkoff provisions and remit all unpaid dues payments to the Union as the exclusive collective-bargaining representative of the bargaining unit.
7. Reimburse the Union for collective-bargaining expenses incurred during the entire period in which the Respondent failed to bargain in good faith.
8. Engage a mediator from the Federal Mediation and Conciliation Services (FMCS) to help facilitate good-faith bargaining between parties.
9. Within 60 days of the issuance of a Board Order, a Board Agent conduct a training on the National Labor Relations Act and unfair labor practices for all management officials and supervisors employed by Respondent. This training will take place either in person or via a videoconference platform, at the General

Counsel's discretion. This training will take place during the supervisors' and managers' workday. The date, time, and manner of the training must be approved by the General Counsel. The General Counsel will determine the curriculum for the training.

10. Post the Board's Explanation of Employee Rights poster in the Employee breakroom(s), supervisor/manager breakroom(s), and all physical or electronic site(s) where Respondent normally posts information for its employees for 12 months.

11. Post the remedial Notice to Employees for 12 months.

B. The General Counsel further seeks an Order dismissing the petition in Case 15-RD-277466 and setting aside the election.

C. In addition to a physical posting of a Notice to Employees, the General Counsel further seeks that the Notice to Employees be posted on the Respondent's intranet sites, distributed by email and text message, and posted on any internal apps used by the Respondent to communicate with its employees for 12 months.

D. The General Counsel further seeks all relief as may be just and proper to remedy the unfair labor practices alleged.

#### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before August 22, 2022, or postmarked on or before August 19, 2022.** Respondent also must serve a copy of the answer on each of the other parties.



The answer must be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

#### **NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on a **date, time, and place to be determined**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative

law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: August 8, 2022

/s/ *M. Kathleen McKinney* by glf  
M. Kathleen McKinney  
Regional Director  
National Labor Relations Board  
Region 15  
600 South Maestri Place – 7<sup>th</sup> Floor  
New Orleans, LA 70130-3413

Attachments

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
**NOTICE**

Case 15-RD-277466  
15-CA-280197  
15-CA-281931  
15-CA-286107  
15-CA-290219  
15-CA-291340

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

**(b) (6), (b) (7)(C)**  
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Rouge Polyolefins Plant  
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(b) (6), (b) (7)(C)

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## Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: [www.nlrb.gov/sites/default/files/attachments/basic-page/node-1717/rules\\_and\\_regs\\_part\\_102.pdf](http://www.nlrb.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf).

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at [www.nlrb.gov](http://www.nlrb.gov), click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

**Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement.** The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

### I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

### II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

**in evidence.** If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

### III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

## **IMPORTANT NOTICE'**

The date, which has been set for hearing in this matter, should be checked immediately. If there is proper cause for not proceeding with the hearing on that date, a motion to change the date of hearing should be made within fourteen (14) days from the service of the complaint. Thereafter, it may be assumed that the scheduled hearing date has been agreed upon and that all parties will be prepared to proceed to the hearing on that date. Later motions to reschedule the hearing generally may not be granted in the absence of a proper showing of unanticipated and uncontrollable intervening circumstances.

All parties are encouraged to fully explore the possibilities of settlement. Early settlement agreements prior to extensive and costly trial preparation may result in substantial savings of time, money and personnel resources for all parties. The Board agent assigned to this case will be happy to discuss settlement at any mutually convenient time.

Isl M Kathleen McKinney  
M. KATHLEEN MCKINNEY  
REGIONAL DIRECTOR

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 16**

**LIFECARE**

**and**

**Case 16-CA-285353**

**(b) (6), (b) (7)(C)**, an Individual

**and**

**Case 16-CA-289525**

**(b) (6), (b) (7)(C)**, an Individual

**ORDER CONSOLIDATING CASES,  
CONSOLIDATED COMPLAINT AND NOTICE OF HEARING**

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, IT IS ORDERED THAT Case 16-CA-285353 and Case 16-CA-289525, which are based on a charge filed by **(b) (6), (b) (7)(C)**, and Individual **(b) (6), (b) (7)(C)** and a charge filed by **(b) (6), (b) (7)(C)**, and Individual **(b) (6), (b) (7)(C)** respectively, against LifeCare (Respondent) are consolidated.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Board's Rules and Regulations, and alleges Respondent has violated the Act as described below.

**1.**

The charges in the above cases were filed by the respective Charging Parties, as set forth in the following table, and served upon the Respondent on the dates indicated by U.S. mail:



<b>Case No.</b>	<b>Charging Party</b>	<b>Date Filed</b>	<b>Date Served</b>
16-CA-285353 (Original)	(b) (6), (b) (7)(C)	October 28, 2021	October 29, 2021
16-CA-285353 (First Amended)	(b) (6), (b) (7)(C)	September 14, 2022	September 14, 2022
16-CA-289525 (Original)	(b) (6), (b) (7)(C)	January 25, 2022	January 26, 2022
16-CA-289525 (First Amended)	(b) (6), (b) (7)(C)	February 1, 2022	February 1, 2022

## 2.

At all material times, Respondent, has been a corporation with an office and place of business in Addison, Texas (Addison facility), and Fort Worth, Texas (Fort Worth facility), and has been engaged in the operation of a hospital providing medical care.

## 3.

(a) In conducting its operations annually, Respondent derived gross revenues in excess of \$250,000.

(b) During the period of time described above in paragraph 3(a), Respondent purchased and received at its Addison, Texas and Fort Worth, Texas facilities products, goods, and materials valued in excess of \$5,000 directly from points outside the State of Texas.

## 4.

At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act, and has been a health care institution within the meaning of Section 2(14) of the Act.

5.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)

6.

(a) At various times from about (b) (6), (b) (7)(C), Respondent's employee, (b) (6), (b) (7)(C), engaged in concerted activities with other employees of Respondent for the purposes of mutual aid and protection by discussing, via text messages, wages.

(b) About (b) (6), (b) (7)(C), 2021, Respondent discharged (b) (6), (b) (7)(C)

(c) Respondent engaged in the conduct described above in paragraph 6(b), because (b) (6), (b) (7)(C) engaged in the conduct described above in paragraph 6(a), and to discourage employees from engaging in these or other concerted activities.

7.

(a) About (b) (6), (b) (7)(C), 2021, Respondent, by (b) (6), (b) (7)(C), in its Addison facility, cautioned employees against speaking to (b) (6), (b) (7)(C) upon (b) (6), (b) (7)(C) termination.

(b) About September 24, 2021, Respondent, by (b) (6), (b) (7)(C), in its Addison facility, threatened its employees with discharge if employees expressed dissatisfaction with terms and conditions of employment.

8.

(a) About (b) (6), (b) (7)(C) 2022, Respondent's employee, (b) (6), (b) (7)(C), engaged in concerted activities with other employees of Respondent for the purposes of mutual aid and protection by discussing staffing issues and filing/invoking a Safe Harbor due to perceived unsafe staffing levels.

(b) About (b) (6), (b) (7)(C) 2022, Respondent suspended (b) (6), (b) (7)(C)

(c) About (b) (6), (b) (7)(C) 2022, Respondent discharged (b) (6), (b) (7)(C)

(d) Respondent engaged in the conduct described above in paragraph 8(b) and (c), because (b) (6), (b) (7)(C) engaged in the conduct described above in paragraph 8(a), and to discourage employees from engaging in these or other concerted activities.

9.

About January 2022, Respondent, by (b) (6), (b) (7)(C), in its Fort Worth facility, interrogated its employees about the leadership of the employees' concerted activities during investigative interviews.

**10.**

By the conduct described above in paragraphs 6, 7, 8, and 9, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

**11.**

The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

**WHEREFORE**, as part of the remedy for Respondent's unfair labor practices alleged above, the General Counsel seeks an Order requiring Respondent to take the following affirmative action:

- (a) Reimburse (b) (6), (b) (7)(C) for any direct or foreseeable pecuniary harms incurred as a result of Respondent's unlawful conduct.
- (b) Send a letter of apology to (b) (6), (b) (7)(C) for discharging (b) (6), (b) (7)(C) because of their protected and concerted activities and notifying (b) (6), (b) (7)(C) that Respondent will take the necessary steps to ensure that the rights of all employees to engage in protected concerted activities are respected.
- (c) Hold a meeting at its Fort Worth facility, scheduled to ensure the widest possible attendance at each shift, at which a responsible management official of Respondent will read the Notice to the employees in English on worktime in the presence of a Board agent. The reading will take place at a time when Respondent would customarily hold meetings and must be completed prior to the completion of the 60-day Notice posting period. Alternatively, the General Counsel seeks an order requiring that Respondent

- promptly have a Board agent read the Notice to employees during worktime in the presence of Respondent's supervisors and agents identified above in paragraph 5.
- (d) Promptly mail the Notice to employees.
  - (e) Post the Notice on its intranet site.
  - (f) Issue Notice posting on the Respondent's bi-monthly corporate newsletter and Human Resources portal.

### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the consolidated complaint. **The answer must be e-filed with this office on or before January 20, 2023.** Respondent also must serve a copy of the answer on each of the other parties.

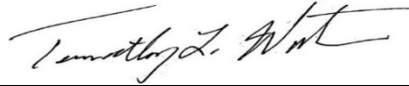
The answer must be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the

Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

### **NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on **April 17, 2023, 9:00 a.m. at the National Labor Relations Board, Region 16, Fritz G. Lanham Federal Building, 819 Taylor Street, Room 8A24, Fort Worth, Texas 76102-6107**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

**DATED** at Fort Worth, Texas, this 6<sup>th</sup> day of January, 2023.

A handwritten signature in cursive script, appearing to read "Timothy L. Watson", written in black ink.

---

TIMOTHY L. WATSON  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS BOARD  
REGION 16  
819 Taylor Street, Room 8A24  
Fort Worth, Texas 76102-6107

Attachments

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
**NOTICE**

Case 16-CA-289525

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

JOY PATEL, CEO  
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FORT WORTH, TX 76132

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(b) (6), (b) (7)(C)

Email: (b) (6), (b) (7)(C)



## Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: [www.nlrb.gov/sites/default/files/attachments/basic-page/node-1717/rules\\_and\\_regs\\_part\\_102.pdf](http://www.nlrb.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf).

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at [www.nlrb.gov](http://www.nlrb.gov), click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

**Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement.** The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

### I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

### II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility

of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

### III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 19**

**THEMARYSUE, LLC**

**and**

**Case 19-CA-276571**

**GAMURS, INC., *Golden State* successor**

**and**

**(b) (6), (b) (7)(C) an Individual**

**COMPLAINT AND NOTICE OF HEARING**

This Complaint and Notice of Hearing is based on a charge filed by (b) (6), (b) (7)(C) (“Charging Party” or “(b) (6), (b) (7)(C)” an Individual. It is issued pursuant to § 10(b) of the National Labor Relations Act (the “Act”), 29 U.S.C. § 151 *et seq.*, and § 102.15 of the Rules and Regulations of the National Labor Relations Board (the “Board”), and alleges that TheMarySue, LLC (“Respondent MarySue”), herein called by its correct name, and Gamurs, Inc. (“Respondent Gamurs;” jointly, “Respondents”), have violated the Act as described below.

1.

(a) The charge in this proceeding was filed by the Charging Party on May 3, 2021, and a copy was served on Respondent MarySue by U.S. mail on about May 4, 2021.

2.

(a) At all material times, Respondent MarySue has been a State of Delaware limited liability company with an office and place of business in New York, New York, and

with employees located throughout the United States, including the State of Oregon, and has been engaged in operating a news and entertainment website.

(b) In conducting its operations described above in paragraph 2(a) during the last twelve months, which period is representative of all material times, Respondent MarySue derived gross revenue in excess of \$500,000.

(c) In conducting its operations described above in paragraph 2(a) during the last twelve months, which period is representative of all material times, Respondent MarySue sold and shipped goods and services from its facilities valued in excess of \$50,000 directly to points outside the State of Oregon.

(d) At all material times, Respondent Gamurs, Inc., has been a State of Delaware corporation with an office and place of business in Austin, Texas, and with employees located throughout the United States, including the State of Oregon, and has been engaged in operating news, sports, and entertainment websites.

(e) At all material times, Respondents have been employers engaged in commerce within the meaning of §§ 2(2), (6), and (7) of the Act.

(f) On about November 22, 2021, Respondent Gamurs purchased the business of Respondent MarySue and since then has continued to operate Respondent MarySue's former business in basically unchanged form and has employed as a majority of its employees individuals who were previously employees of Respondent MarySue.

(g) On January 5, 2022, Respondent Gamurs was put on notice of Respondent MarySue's potential liability in Case 19-CA-276571 by letter from a Region 19 Board agent, to Riad Chikhani, an agent of Respondent Gamurs, through Respondent Gamurs' attorneys.

(h) Based on the conduct and operations described above in paragraphs 2(a) through 2(g), Respondent Gamurs has continued the employing entity with notice of Respondent MarySue's potential liability to remedy its unfair labor practices, and Respondent Gamurs is a successor to Respondent MarySue.

3.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent MarySue within the meaning of § 2(11) of the Act and/or agents of Respondent MarySue within the meaning of § 2(13) of the Act, acting on behalf of Respondent MarySue:

(b) (6), (b) (7)(C)

4.

(a) On or about (b) (6), (b) (7)(C) 2021, Respondent MarySue's employee (b) (6), (b) (7)(C) inquired, in writing on a Slack channel used by Respondent MarySue's employees and supervisors, whether anyone had ever discussed a union at Respondent MarySue.

(b) On or about (b) (6), (b) (7)(C), 2021, Respondent MarySue discharged its employee (b) (6), (b) (7)(C)

(c) Respondent MarySue engaged in the conduct described above in paragraph 4(b) because (b) (6), (b) (7)(C) engaged in the conduct described above in paragraph 4(a) and to discourage employees from engaging in these or other union and/or protected, concerted activities.

5.

By the conduct described above in paragraph 4, Respondent MarySue has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of §§ 8(a)(1) and (3) of the Act.

6.

The unfair labor practices of Respondent MarySue described above affect commerce within meaning of §§2(6) and (7) of the Act.

**WHEREFORE**, as part of the remedy for the unfair labor practices set forth above, the General Counsel seeks an Order holding Respondents jointly and severally liable for all remedies flowing from Respondent MarySue's discharge of the Charging Party.

**WHEREFORE**, as part of the remedy for the unfair labor practices set forth above, the General Counsel further seeks an order requiring that Respondents make the Charging Party whole, including consequential damages, and reimburse the Charging Party for all search-for-work and work-related expenses regardless of whether the Charging Party received interim earnings in excess of these expenses, or at all, during any given quarter, or during the overall backpay period.

**WHEREFORE**, as part of the remedy for the unfair labor practices alleged above, the General Counsel further seeks an order requiring that Respondents send a letter to the Television Critics Association requesting that the Charging Party's application be reconsidered.

**WHEREFORE**, as part of the remedy for the unfair labor practices alleged above, the General Counsel seeks an Order requiring that Respondent draft a written letter of

apology to the Charging Party apologizing for any hardship or distress caused by discharging (b) (6), (b) (7)(C) because (b) (6), (b) (7)(C) engaged in union activities.

**WHEREFORE**, as part of the remedy for the unfair labor practices alleged above, the General Counsel further seeks an order requiring that Respondents e-mail, send by text message, and post on its General Slack channel any Notice to Employees that may issue in this proceeding and copy and mail, at their own expense, any Notice to Employees that may issue in this proceeding to all its employees employed since April 19, 2021.

**WHEREFORE**, as part of the remedy for the unfair labor practices alleged above, the General Counsel further seeks an order requiring that Respondent schedule a meeting to ensure the widest possible attendance during worktime at which a responsible official will read the notice to employees in the presence of a Board agent or, alternatively, a Board agent shall read the notice to employees in the presence of its supervisors and/or agents identified above in paragraph 3.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

#### **ANSWER REQUIREMENT**

Respondents are notified that, pursuant to §§ 102.20 and 102.21 of the Board's Rules and Regulations, they must file an answer to the Complaint. The answer must be **received by this office on or before March 30, 2022**. Respondents must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case

Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See § 102.21. If the answer is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Complaint are true.

#### **NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT, beginning at 1 p.m. on **the 21<sup>st</sup> day of June, 2022**, and on consecutive days thereafter until concluded, **in the Green-Wyatt Federal Building, 1220 S.W. Third Avenue, Suite 605, Portland, Oregon**, or via Zoom



videoconference, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondents and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Seattle, Washington, this 16<sup>th</sup> day of March, 2022.

A handwritten signature in black ink, reading "Ronald K. Hooks", is written over a horizontal line.

Ronald K. Hooks, Regional Director  
National Labor Relations Board, Region 19  
915 2nd Ave., Ste 2948  
Seattle, WA 98174

Attachments

## Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: [www.nlrb.gov/sites/default/files/attachments/basic-page/node-1717/rules\\_and\\_regs\\_part\\_102.pdf](http://www.nlrb.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf).

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### I. BEFORE THE HEARING

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submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

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- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
**NOTICE**

Case 19-CA-276571

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

**E-Service**

Kelsey Trainor, In-House Counsel  
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**E-Service**

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(b) (6), (b) (7)(C)

Email: (b) (6), (b) (7)(C)

FORM NLRB 4338

(6-90) (cont.)

The Gamurs Group  
c/o John Stellwagen, Attorney  
Bullard Law  
200 SW Market St., Ste. 1900  
Portland, OR 97201-5720  
Email: [jstellwagen@bullardlaw.com](mailto:jstellwagen@bullardlaw.com)

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 31**

**KOREAN RESOURCE CENTER, INC.**

**and**

**INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE WORKERS,  
DISTRICT LODGE 947**

**Cases 31-CA-282645, 31-CA-  
283013, 31-CA-287788, 31-  
CA-287920, 31-CA-288029,  
and 31-CA-291324**

**ORDER CONSOLIDATING CASES, CONSOLIDATED COMPLAINT,  
AND NOTICE OF HEARING**

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, IT IS ORDERED THAT Cases 31-CA-282645, 31-CA-283013, 31-CA-287788, 31-CA-287920, 31-CA-288029, and 31-CA-291324, which are based on charges filed by International Association of Machinists and Aerospace Workers, District Lodge 947 (Charging Party or the Union) against Korean Resource Center, Inc. (Respondent), are consolidated.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151, et seq., and Section 102.15 of the Board's Rules and Regulations, and alleges Respondent has violated the Act as described below.

1. The charges in the above cases were filed by the Charging Party, as set forth in the following table, and served on Respondent on the dates indicated by U.S. mail:

Case No.	Original/Amendment	Date Filed	Date Served
----------	--------------------	------------	-------------

31-CA-282645	Original	September 8, 2021	September 9, 2021
31-CA-282645	First Amended	November 10, 2021	November 12, 2021
31-CA-283013	Original	September 15, 2021	September 16, 2021
31-CA-283013	First Amended	December 20, 2021	December 20, 2021
31-CA-283013	Second Amended	May 27, 2022	May 31, 2022
31-CA-287788	Original	December 15, 2021	December 16, 2021
31-CA-287788	First Amended	December 20, 2021	December 20, 2021
31-CA-287788	Second Amended	May 27, 2022	May 31, 2022
31-CA-287920	Original	December 20, 2021	December 20, 2021
31-CA-288029	Original	December 21, 2021	December 22, 2021
31-CA-288029	First Amended	January 14, 2022	January 18, 2022
31-CA-288029	Second Amended	March 14, 2022	March 15, 2022
31-CA-291324	Original	February 25, 2022	February 28, 2022

2. (a) At all material times, Respondent has been a non-profit corporation with offices and places of business located in Los Angeles and Fullerton, California, and has been engaged in community organizing and empowerment of low-income, limited or monolingual immigrants, Asian American and Pacific Islander, and people of color communities in Southern California by providing integrative services, education, culture, and coalition building.

(b) In conducting its operations during the 12-month period ending December 31, 2021, Respondent had gross annual revenue in excess of \$250,000 and purchased and received at its Los Angeles, California, facility goods valued in excess of \$5,000 directly from points outside the State of California.

(c) At all material times, Respondent has been engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

3. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

4. (a) At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors within the meaning of Section 2(11) of the Act and/or agents of Respondent within the meaning of Section 2(13) of the Act:

Bethany Leal -- Finance Director

Bilen Fraye -- Development & Programs Director

(b) At all material times, Respondent's outside counsel has been an agent of Respondent within the meaning of Section 2(13) of the Act.

5. (a) About August 31, 2021, Respondent's employee Sang Ho Hwang engaged in concerted activities with other employees for the purposes of mutual aid and protection by sending an email complaining about a mural being installed at Respondent's facility.

(b) About September 3, 2021, Respondent discharged its employee Sangho Hwang.

(c) Respondent engaged in the conduct described above in paragraph 5(b), because employee Sangho Hwang engaged in the conduct described above in paragraph 5(a), and to discourage employees from engaging in these or other concerted activities.

(d) Respondent exercised discretion in imposing the discipline described above in paragraph 5(b).

6. About September 8, 2021, Respondent, by Finance Director Bethany Leal, by email, threatened employees with discipline.



7. (a) About September 3, 2021, Respondent's employee Isabel Kang engaged in union activity and/or concerted activities with other employees for the purposes of mutual aid and protection by accompanying, serving as a translator for, and advocating for a coworker.

(b) About October 11, 2021, Respondent issued written discipline to its employee Isabel Kang.

(c) Respondent engaged in the conduct described above in paragraph 7(b), because Isabel Kang engaged in the conduct described above in paragraph 7(a), and to discourage employees from engaging in these or other concerted activities.

(d) Respondent engaged in the conduct described above in paragraph 7(b) because employees of Respondent assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

(e) Respondent exercised discretion in imposing the discipline described above in paragraph 7(b).

8. (a) At all material times, Respondent has maintained the following rules:

"An employee must avoid any kind of action or behavior that would impair KRC's operations or reflect adversely upon KRC or its operations."

"Employees are prohibited from interfering with other employees' ability to perform their job responsibilities."

"Employees are prohibited from being insubordinate or refusing to follow the reasonable instructions of supervisors."

(b) About October 11, 2021, Respondent, by Finance Director Bethany Leal, applied this rule to restrict its employees' exercise of Section 7 rights.

9. (a) The following employees of Respondent constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act (Unit):

**Included:** All full-time and regular part-time Office Managers, Social Service Managers, Social Service Coordinators, Communication Coordinators, Communication Managers, Outreach Service Managers, Service Assistant Managers, Legal Service Managers, Organizing Managers, Housing Service Managers, Service Coordinators, Civic Engagement Coordinators, Legal Services Coordinators, and High School Organizers employed by the Employer at 900 Crenshaw Boulevard #B, Los Angeles, CA 90019; 540 South Kingsley Drive #B, Los Angeles, CA 90020; and 620 North Harbor Boulevard, Fullerton, CA 92832.

**Excluded:** All other employees, professional employees, managerial employees, guards, and supervisors as defined by the Act.

(b) On March 11, 2021, the Board certified the Union as the exclusive collective-bargaining representative of the Unit.

(c) At all times since March 11, 2021, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

10. (a) About October 1, 2021, Respondent laid off its employees Brianda Chavez, David Kim, and Hee Gong Kim.

(b) About November 1, 2021, Respondent laid off its employee Eunsoo Yang.

(c) About November 1, 2021, Respondent reduced the status of its employees Geu Rim Park, Sharen Moniqca, and Susan Park from full-time to part-time.

(d) About December 1, 2021, Respondent laid off its employees Carrolline Kim, Geu Rim Park, and Isabel Kang.

(e) About December 1, 2021, Respondent reduced the status of its employees Jae Ko and Jung Hyun Choi from full-time to part-time.

11. (a) The subjects set forth above in paragraphs 5(b), 7(b), 10(a)-(e) relate to wages, hours, and other terms and conditions of employment of the Unit and are mandatory subjects for the purposes of collective bargaining.

(b) Respondent engaged in the conduct described above in paragraphs 5(b), 7(b), and 10(a) without prior notice to the Union and/or without affording the Union an opportunity to bargain with Respondent with respect to this conduct and/or the effects of this conduct and/or without first bargaining with the Union to an overall good-faith impasse for a collective-bargaining agreement.

(c) Respondent engaged in the conduct described above in paragraphs 10(b) through and including 10(e) without affording the Union an opportunity to bargain with Respondent with respect to this conduct and/or the effects of this conduct and/or without first bargaining with the Union to an overall good-faith impasse for a collective-bargaining agreement.

12. By the conduct described above in paragraphs 5(b), 5(c), 6, 7(b), 7(c), and 8(b), Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

13. By the conduct described above in paragraph 7(b) and 7(d), Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

14. By the conduct described above in paragraphs 5(b), 5(d), 7(b), 7(e), and 10, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(1) and (5) of the Act.

15. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraphs 5, 6, 7, 8, 10, and 11 the General Counsel seeks an Order requiring that:

- i) Respondent post the Board's Notice to Employees in both English and Korean to ensure that all employees affected by the unfair labor practices alleged herein are able to understand the Notice.
- ii) At a meeting or meetings scheduled to ensure the widest possible attendance, Respondent's representative read the notice to the employees in English and in Korean on worktime in the presence of a Board agent. Alternatively, the General Counsel seeks an order requiring that Respondent promptly have a Board agent read the notice to employees during worktime in the presence of Respondent's supervisors and agents identified above in paragraph 4(a). Each employee present at any meeting at which the Notice is to be read shall be provided a copy of the Notice before it is read aloud.
- iii) Respondent rescind the unlawfully-applied rules described above in paragraph 8(a) at all Respondent facilities where those rules are in effect and provide appropriate notification to all employees at those facilities of such rescission. Should Respondent wish to reinstate the policies, Respondent must include therein a disclaimer that Respondent will not apply the policies to Section 7 activities.
- iv) Respondent make Unit employee Sang Ho Hwang whole for any losses incurred as a result of Respondent's unfair labor practices, including reinstatement and rescinding his discharge.
- v) Respondent rescind the discipline it issued to Unit employee Isabel Kang.
- vi) Respondent make Unit employees Brianda Chavez, Carolline Kim, David Kim, Eunsoo Yang, Geu Rim Park, Hee Gong Kim, Isabel Kang, Jae Ko, Jung Hyun Choi, Sharen Moniqca, and Susan Park whole for any losses incurred as a result of Respondent's unfair labor practices, including reinstatement and rescinding their reductions in hours and layoffs.

- vii) Respondent make employees whole, including, but not limited to, reimbursement of direct and foreseeable consequential damages they incurred as a result of the Respondent's unlawful conduct.
- viii) Respondent permit a duly-appointed Board agent to enter the Respondent's facility throughout the notice-posting period, at reasonable times and in a manner not to unduly interfere with the Respondent's operations, for the limited purpose of determining whether the Respondent is in compliance with the notice posting requirements, in order to ensure compliance with the Board's Order.
- ix) Within 60 days of the issuance of a Board Order, a Board Agent conduct a training on the National Labor Relations Act and unfair labor practices for all management officials and supervisors employed by Respondent. This training will take place either in person or via a videoconference platform, at the General Counsel's discretion. This training will take place during the supervisors' and managers' workday. The date, time, and manner of the training must be approved by the General Counsel. The General Counsel will determine the curriculum for the training.
- x) Respondent post the Board's Explanation of Employee Rights poster, alongside the Notice issued in this case, for a period of 60 days.
- xi) Respondent draft and send letters to each of the discriminatees named in paragraphs 5 and 7 apologizing to them for their discharge and discipline, respectively, any hardship or distress this caused, and requiring Respondent to provide a copy of each letter to the Regional Director within 14 days of distribution.
- xii) Cease and desist from engaging in the conduct described in paragraphs 5, 6, 7, 8, 10, and 11, or in any manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed in Section 7 of the Act.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

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### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the Consolidated Complaint. The answer must be **received by this office on or before June 15, 2022, or postmarked on or before June 14, 2022.**

Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if

an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

**NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on **August 16, 2022, 9:00 am at 11500 W. Olympic Blvd., Suite 600, Los Angeles, CA 90064** in an available hearing room or in a location or manner, including Zoom videoconferencing, otherwise ordered by the Administrative Law Judge, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: June 1, 2022



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MORI RUBIN  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS BOARD  
REGION 31  
11500 W OLYMPIC BLVD  
SUITE 600  
Los Angeles, CA 90064-1753

Attachments

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
**NOTICE**

Case 31-CA-282645

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

TC Kim , Executive Director  
Korean Resource Center, Inc.  
900 Crenshaw Blvd., Unit B  
Los Angeles, CA 90019

Jennifer Marin Esquivel , Union Contact  
Representative  
International Association of Machinists and  
Aerospace Workers, District Lodge 947,  
AFL-CIO  
535 West Willow Street  
Long Beach, CA 90806

Eric W. Mueller , Attorney  
Ballard Rosenberg Golper & Savitt, LLP  
15760 Ventura Boulevard, 18th Floor  
Encino, CA 91436-3029

Caren P. Sencer , Attorney  
Weinberg Roger & Rosenfeld  
1375 55th Street  
Emeryville, CA 94608



Charles H.W. Foster , Attorney  
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15760 Ventura Boulevard, 18th Floor  
Encino, CA 91436

David W. M. Fujimoto , Attorney at Law  
Weinberg Roger & Rosenfeld  
1375 55th Street  
Emeryville, CA 94608-2609

Tong Cho Kim , Executive Director  
Korean Resource Center, Inc.  
900 Crenshaw Blvd., #B  
Los Angeles, CA 90019-1978

## Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: [www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules\\_and\\_regs\\_part\\_102.pdf](http://www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf).

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at [www.nlr.gov](http://www.nlr.gov), click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

**Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement.** The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

### I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

### II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

**in evidence.** If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

### III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 31**

**KOREAN RESOURCE CENTER, INC.**

**and**

**INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE WORKERS,  
DISTRICT LODGE 947**

**Cases 31-CA-282645,  
31-CA-283013,  
31-CA-287788,  
31-CA-287920,  
31-CA-288029,  
31-CA-291324, and  
31-CA-291748**

**ORDER FURTHER CONSOLIDATING CASES, SECOND CONSOLIDATED  
COMPLAINT, AND NOTICE OF HEARING**

On June 1, 2022, a Consolidated Complaint and Notice of Hearing issued in Cases 31-CA-282645, 31-CA-283013, 31-CA-287788, 31-CA-287920, 31-CA-288029, and 31-CA-291324 alleging that Korean Resource Center, Inc. (Respondent) had engaged in unfair labor practices that violate the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq. Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, IT IS ORDERED THAT those cases are further consolidated with Case 31-CA-291748, filed by International Association of Machinists and Aerospace Workers, District Lodge 947 (Charging Party or the Union), which alleges that Respondent has engaged in further unfair labor practices within the meaning of the Act.

This Second Consolidated Complaint and Notice of Hearing, issued pursuant to Section 10(b) of the Act and Section 102.15 of the Board's Rules and Regulations, is based on these consolidated cases and alleges that Respondent has violated the Act as described below.

1. The charges in the above cases were filed by the Charging Party, as set forth in the following table, and served on Respondent on the dates indicated by U.S. mail:

Case No.	Original/Amendment	Date Filed	Date Served
31-CA-282645	Original	September 8, 2021	September 9, 2021
31-CA-282645	First Amended	November 10, 2021	November 12, 2021
31-CA-283013	Original	September 15, 2021	September 16, 2021
31-CA-283013	First Amended	December 20, 2021	December 20, 2021
31-CA-283013	Second Amended	May 27, 2022	May 31, 2022
31-CA-287788	Original	December 15, 2021	December 16, 2021
31-CA-287788	First Amended	December 20, 2021	December 20, 2021
31-CA-287788	Second Amended	May 27, 2022	May 31, 2022
31-CA-287920	Original	December 20, 2021	December 20, 2021
31-CA-288029	Original	December 21, 2021	December 22, 2021
31-CA-288029	First Amended	January 14, 2022	January 18, 2022
31-CA-288029	Second Amended	March 14, 2022	March 15, 2022
31-CA-291324	Original	February 25, 2022	February 28, 2022
31-CA-291748	Original	March 4, 2022	March 7, 2022

2. (a) At all material times, Respondent has been a non-profit corporation with offices and places of business located in Los Angeles and Fullerton, California, and has been engaged in community organizing and empowerment of low-income, limited or monolingual immigrants, Asian American and Pacific Islander, and people of color communities in Southern California by providing integrative services, education, culture, and coalition building.

(b) In conducting its operations during the 12-month period ending December 31, 2021, Respondent had gross annual revenue in excess of \$250,000 and purchased and received at its Los Angeles, California, facility goods valued in excess of \$5,000 directly from points outside the State of California.

(c) At all material times, Respondent has been engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

3. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

4. (a) At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors within the meaning of Section 2(11) of the Act and/or agents of Respondent within the meaning of Section 2(13) of the Act:

Bethany Leal	--	Finance Director
--------------	----	------------------

Bilen Fraye	--	Development & Programs Director
-------------	----	---------------------------------

(b) At all material times, Respondent's outside counsel has been an agent of Respondent within the meaning of Section 2(13) of the Act.

5. (a) About August 31, 2021, Respondent's employee Sang Ho Hwang engaged in concerted activities with other employees for the purposes of mutual aid and protection by sending an email complaining about a mural being installed at Respondent's facility.

(b) About September 3, 2021, Respondent discharged its employee Sang Ho Hwang.

(c) Respondent engaged in the conduct described above in paragraph 5(b), because employee Sang Ho Hwang engaged in the conduct described above in paragraph 5(a), and to discourage employees from engaging in these or other concerted activities.

(d) Respondent exercised discretion in imposing the discipline described above in paragraph 5(b).

6. About September 8, 2021, Respondent, by Finance Director Bethany Leal, by email, threatened employees with discipline.

7. (a) About September 3, 2021, Respondent's employee Isabel Kang engaged in union activity and/or concerted activities with other employees for the purposes of mutual aid and protection by accompanying, serving as a translator for, and advocating for a coworker.

(b) About October 11, 2021, Respondent issued written discipline to its employee Isabel Kang.

(c) Respondent engaged in the conduct described above in paragraph 7(b), because Isabel Kang engaged in the conduct described above in paragraph 7(a), and to discourage employees from engaging in these or other concerted activities.

(d) Respondent engaged in the conduct described above in paragraph 7(b) because employees of Respondent assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

(e) Respondent exercised discretion in imposing the discipline described above in paragraph 7(b).

8. (a) At all material times, Respondent has maintained the following rules:

"An employee must avoid any kind of action or behavior that would impair KRC's operations or reflect adversely upon KRC or its operations."

"Employees are prohibited from interfering with other employees' ability to perform their job responsibilities."

"Employees are prohibited from being insubordinate or refusing to follow the reasonable instructions of supervisors."

(b) About October 11, 2021, Respondent, by Finance Director Bethany Leal, applied this rule to restrict its employees' exercise of Section 7 rights.

9. (a) The following employees of Respondent constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act (Unit):

**Included:** All full-time and regular part-time Office Managers, Social Service Managers, Social Service Coordinators, Communication Coordinators, Communication Managers, Outreach Service Managers, Service Assistant Managers, Legal Service Managers, Organizing Managers, Housing Service Managers, Service Coordinators, Civic Engagement Coordinators, Legal Services Coordinators, and High School Organizers employed by the Employer at 900 Crenshaw Boulevard #B, Los Angeles, CA 90019; 540 South Kingsley Drive #B, Los Angeles, CA 90020; and 620 North Harbor Boulevard, Fullerton, CA 92832.

**Excluded:** All other employees, professional employees, managerial employees, guards, and supervisors as defined by the Act.

(b) On March 11, 2021, the Board certified the Union as the exclusive collective-bargaining representative of the Unit.

(c) At all times since March 11, 2021, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

10. (a) About October 1, 2021, Respondent laid off its employees Brianda Chavez, David Kim, and Hee Gong Kim.

(b) About November 1, 2021, Respondent laid off its employee Eunsoo Yang.

(c) About November 1, 2021, Respondent reduced the status of its employees Geu Rim Park, Sharen Moniqca, and Susan Park from full-time to part-time.

(d) About November 8, 2021, Respondent discharged its employee Susan Park.

(e) About December 1, 2021, Respondent laid off its employees Caroline Kim, Geu Rim Park, and Isabel Kang.



(f) About December 1, 2021, Respondent reduced the status of its employees Jae Ko and Jung Hyun Choi from full-time to part-time.

11. (a) The subjects set forth above in paragraphs 5(b), 7(b), 10(a)-(f) relate to wages, hours, and other terms and conditions of employment of the Unit and are mandatory subjects for the purposes of collective bargaining.

(b) Respondent exercised discretion in imposing the discipline described above in paragraph 10(d).

(c) Respondent engaged in the conduct described above in paragraphs 5(b), 7(b), 10(a), and 10(d) without prior notice to the Union and/or without affording the Union an opportunity to bargain with Respondent with respect to this conduct and/or the effects of this conduct and/or without first bargaining with the Union to an overall good-faith impasse for a collective-bargaining agreement.

(d) Respondent engaged in the conduct described above in paragraphs 10(b), 10(c), 10(e), and 10(f) without affording the Union an opportunity to bargain with Respondent with respect to this conduct and/or the effects of this conduct and/or without first bargaining with the Union to an overall good-faith impasse for a collective-bargaining agreement.

12. By the conduct described above in paragraphs 5(b), 5(c), 6, 7(b), 7(c), and 8(b), Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

13. By the conduct described above in paragraph 7(b) and 7(d), Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

14. By the conduct described above in paragraphs 5(b), 5(d), 7(b), 7(e), and 10, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(1) and (5) of the Act.

15. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraphs 5, 6, 7, 8, 10, and 11 the General Counsel seeks an Order requiring that:

- i) Respondent post the Board's Notice to Employees in both English and Korean to ensure that all employees affected by the unfair labor practices alleged herein are able to understand the Notice.
- ii) At a meeting or meetings scheduled to ensure the widest possible attendance, Respondent's representative read the notice to the employees in English and in Korean on worktime in the presence of a Board agent. Alternatively, the General Counsel seeks an order requiring that Respondent promptly have a Board agent read the notice to employees during worktime in the presence of Respondent's supervisors and agents identified above in paragraph 4(a). Each employee present at any meeting at which the Notice is to be read shall be provided a copy of the Notice before it is read aloud.
- iii) Respondent rescind the unlawfully-applied rules described above in paragraph 8(a) at all Respondent facilities where those rules are in effect and provide appropriate notification to all employees at those facilities of such rescission. Should Respondent wish to reinstate the policies, Respondent must include therein a disclaimer that Respondent will not apply the policies to Section 7 activities.
- iv) Respondent make Unit employee Sang Ho Hwang whole for any losses incurred as a result of Respondent's unfair labor practices, including reinstatement and rescinding his discharge.

- v) Respondent rescind the discipline it issued to Unit employee Isabel Kang.
- vi) Respondent make Unit employee Susan Park whole for any losses incurred as a result of Respondent's unfair labor practices, including reinstatement and rescinding her discharge.
- vii) Respondent make Unit employees Brianda Chavez, Carolline Kim, David Kim, Eunsoo Yang, Geu Rim Park, Hee Gong Kim, Isabel Kang, Jae Ko, Jung Hyun Choi, Sharen Moniqca, and Susan Park whole for any losses incurred as a result of Respondent's unfair labor practices, including reinstatement and rescinding their reductions in hours and layoffs.
- viii) Respondent make employees whole, including, but not limited to, reimbursement of direct and foreseeable consequential damages they incurred as a result of the Respondent's unlawful conduct.
- ix) Respondent permit a duly-appointed Board agent to enter the Respondent's facility throughout the notice-posting period, at reasonable times and in a manner not to unduly interfere with the Respondent's operations, for the limited purpose of determining whether the Respondent is in compliance with the notice posting requirements, in order to ensure compliance with the Board's Order.
- x) Within 60 days of the issuance of a Board Order, a Board Agent conduct a training on the National Labor Relations Act and unfair labor practices for all management officials and supervisors employed by Respondent. This training will take place either in person or via a videoconference platform, at the General Counsel's discretion. This training will take place during the supervisors' and managers' workday. The date, time, and manner of the training must be approved by the General Counsel. The General Counsel will determine the curriculum for the training.
- xi) Respondent post the Board's Explanation of Employee Rights poster, alongside the Notice issued in this case, for a period of 60 days.
- xii) Respondent draft and send letters to each of the discriminatees named in paragraphs 5 and 7 apologizing to them for their discharge and discipline, respectively, any

hardship or distress this caused, and requiring Respondent to provide a copy of each letter to the Regional Director within 14 days of distribution.

- xiii) Respondent cease and desist from engaging in the conduct described in paragraphs 5, 6, 7, 8, 10, and 11, or in any manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed in Section 7 of the Act.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, Respondent(s) must file an Answer to the Second Consolidated Complaint.

The answer must be **received by this office on or before July 7, 2022, or postmarked on or before July 6, 2022.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not

represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Second Consolidated Complaint are true.

#### **NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on **September 6, 2022, 9:00 am at 11500 West Olympic Blvd., Suite 600, Los Angeles, CA 90064** in an available hearing room or in a location or manner, including Zoom videoconferencing, otherwise ordered by the Administrative Law Judge, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Second Consolidated Complaint. The procedures to be followed at the hearing

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are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: June 23, 2022

A handwritten signature in black ink, reading "Danielle M. Pierce", is positioned above a horizontal line.

DANIELLE PIERCE  
ACTING REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS BOARD  
REGION 31  
11500 WEST OLYMPIC BLVD, SUITE 600  
LOS ANGELES, CA 90064-1753

Attachments

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
**NOTICE**

Cases 31-CA-282645, et al.

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

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Jennifer Marin Esquivel, Union Contact Rep.  
International Association of Machinists and  
Aerospace Workers, District Lodge 947  
535 West Willow Street  
Long Beach, CA 90806

## Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: [www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules\\_and\\_regs\\_part\\_102.pdf](http://www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf).

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at [www.nlr.gov](http://www.nlr.gov), click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

**Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement.** The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

### I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

### II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing.



If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

### III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.